



U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 11, 2010

BY HAND DELIVERY

Honorable Thomas P. Griesa
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
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Re: United States v. Mario S. Levis, S1 08 Cr. 181 (TPG)

Dear Judge Griesa:

The Government respectfully submits this letter to propose, jointly with defense counsel, that the trial scheduled to start March 22, 2010 be adjourned one week until March 29. We make this request for several reasons.

First, there is a pending suppression motion, in support of which the defense still intends to file a brief. We anticipate that a short evidentiary hearing may be required to address that motion, once the defense completes its submission and the Government has an opportunity to respond. In addition, earlier today, the defense filed a motion to dismiss the indictment on Speedy Trial grounds; the Government is reviewing the motion and awaiting the supporting documents submitted along with it. The Government has also requested information from the defense regarding the extent to which another law firm has continued to participate in the defendant's representation. Because that firm has also represented the defendant's father in the investigation that has given rise to this case, and because the defendant's father remains a subject of the Government's continuing investigation, a *Curcio* hearing may be necessary. A short adjournment of the trial date would enable the parties and the Court to resolve these issues prior to the start of trial. Moreover, in preparing for trial, the Government has learned that several witnesses have commitments to travel during the weeks of March 22 and March 29, due to spring breaks for their children and for other reasons. A short adjournment would help to avoid conflicts with those witnesses' travel plans.

Honorable Thomas P. Griesa
March 11, 2010
page 2

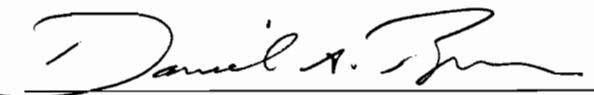
Finally, the Government has determined that its case-in-chief will likely require only three weeks rather than the four weeks it previously estimated. The defense has advised us that its case may take one week.

Because defense counsel plans to relocate to New York in advance of trial, they have asked us to seek an expedited ruling from the Court in response to this request. Counsel has also advised that they consent to an exclusion of time under the Speedy Trial Act, in light of the pending motions and to enable the parties to prepare for trial. Such an exclusion of time is warranted, the Government submits, pursuant to 18 U.S.C. §§ 3161(h)(1)(D) and 3161(h)(1)(7).

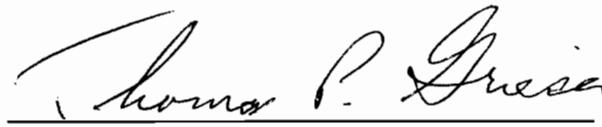
Respectfully submitted,

PREET BHARARA
United States Attorney

By:


Daniel A. Braun
William J. Stellmach
Assistant United States Attorneys
Telephone: (212) 637-2215/2101

SO ORDERED:


The Honorable Thomas P. Griesa
United States District Judge

3/12/10

cc: Maria Neyra, Esq. (by e-mail and regular mail)